

SENATE BILL 556

M3, J1

0lr2437

By: **Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin**

Introduced and read first time: February 4, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Decabrominated Diphenyl Ether – Prohibitions**

3 FOR the purpose of prohibiting, on or after certain dates, the manufacturing,
4 processing, or distributing of certain products that contain decabrominated
5 diphenyl ether; providing that this Act does not prohibit certain retailers from
6 selling, recycling, or disposing of certain products that contain decabrominated
7 diphenyl ether under certain circumstances; providing that this Act does not
8 prohibit a person from transporting or storing certain products that contain
9 decabrominated diphenyl ether under certain circumstances; defining a certain
10 term; and generally relating to the use of decabrominated diphenyl ether.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 6–1201
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2009 Supplement)

16 BY adding to
17 Article – Environment
18 Section 6–1202.1
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2009 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Environment**

24 6–1201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (B) **“DECABDE” MEANS DECABROMINATED DIPHENYL ETHER.**

3 [(b)] (C) **“OctaBDE” means octabrominated diphenyl ether.**

4 [(c)] (D) **“PentaBDE” means pentabrominated diphenyl ether.**

5 **6–1202.1.**

6 (A) (1) **BEGINNING ON DECEMBER 31, 2010, A PERSON MAY NOT**
7 **MANUFACTURE, SELL, OR DISTRIBUTE FOR SALE IN THE STATE ANY OF THE**
8 **FOLLOWING PRODUCTS THAT CONTAIN DECABDE:**

9 (I) **MATTRESSES;**

10 (II) **UPHOLSTERED FURNITURE DESIGNED FOR**
11 **RESIDENTIAL USE; AND**

12 (III) **ELECTRICAL OR ELECTRONIC EQUIPMENT.**

13 (2) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
14 **SUBSECTION, BEGINNING ON DECEMBER 31, 2012, A PERSON MAY NOT**
15 **MANUFACTURE, SELL, OR DISTRIBUTE FOR SALE IN THE STATE ANY PRODUCT**
16 **THAT CONTAINS DECABDE.**

17 (3) **PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:**

18 (I) **TRANSPORTATION EQUIPMENT;**

19 (II) **MILITARY EQUIPMENT; OR**

20 (III) **COMPONENTS OF TRANSPORTATION OR MILITARY**
21 **EQUIPMENT.**

22 (B) **ON OR AFTER DECEMBER 31, 2013, A PERSON MAY NOT**
23 **MANUFACTURE, SELL, OR DISTRIBUTE FOR SALE IN THE STATE THE FOLLOWING**
24 **PRODUCTS THAT CONTAIN DECABDE:**

25 (1) **TRANSPORTATION EQUIPMENT;**

26 (2) **MILITARY EQUIPMENT; OR**

1 **(3) COMPONENTS OF TRANSPORTATION OR MILITARY**
2 **EQUIPMENT.**

3 **(C) THIS SECTION DOES NOT PROHIBIT:**

4 **(1) A RETAILER THAT IS IN POSSESSION OF A PRODUCT**
5 **PROHIBITED FOR MANUFACTURE, SALE, OR DISTRIBUTION FOR SALE UNDER**
6 **SUBSECTIONS (A) AND (B) OF THIS SECTION ON OR AFTER DECEMBER 31, 2013,**
7 **FROM SELLING, RECYCLING, OR OTHERWISE DISPOSING OF THE REMAINING**
8 **INVENTORY OF THE PRODUCT; OR**

9 **(2) A PERSON FROM TRANSPORTING OR STORING A PRODUCT**
10 **PROHIBITED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION FOR LATER**
11 **DISTRIBUTION OUTSIDE THE STATE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2010.